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SUBJECT: WHTI - Ontario's Proposed Enhanced Driver's License Spurs  
Some Local Privacy Concerns

Ref: (A) 07 Toronto 81

Sensitive But Unclassified - Please Protect Accordingly.

1. (U) On July 16, The University of Toronto and Ontario's Information and Privacy Commission held a public forum on Ontario's proposed enhanced driver's licenses (EDLs). The forum, which drew approximately 70 people, featured guest speakers from the Canadian Border Services Agency (CBSA) and the Ontario Ministries of Transportation, Government Services, and Information and Privacy. The event was organized to provide the public with information about the voluntary EDL program, which Ontario hopes can be used as an alternative to a passport when traveling from Canada to the United States by land or water. As could be expected, some of the same privacy concerns were voiced that have been voiced elsewhere regarding these and other identity documents.

2. (U) Ontario's EDL plan has been in development since early 2007 (ref A) and was initially intended to improve the security of Ontario's driver's licenses. Ontario has since focused on also using EDLs to meet the land and water documentary requirements of the Western Hemisphere Travel Initiative (WHTI). The EDL bill is currently assigned to committee, and is expected to be heard for a second reading by the Ontario legislature in the fall. Proponents of the bill argue the EDLs will be beneficial in providing greater ease to cross-border travel, while reducing congestion. If approved, Ontario's EDL will not be available until at least 2010.

3. (U) The EDL plan, as originally conceived, would require the Canadian federal government to provide Ontario with citizenship information of bearers of EDLs. Speaking at the July 16 event, however, Dr. Ann Cavoukian, Ontario's Information and Privacy Commissioner, said that the Canadian federal government has refused to provide this information, and instead asked Ontario to create its own database. Cavoukian said that the creation of this additional database was unnecessary, and could be a security risk. The EDLs will also use Radio Frequency Identification (RFID) tags located inside the cards that will be readable by antennas from a distance of 10 meters. Cavoukian stated that the RFID tags would be secure, and that concerns that they could be read by unauthorized persons were misplaced.

4. (U) A representative from the Council of Canadians, which is a frequent critic of closer U.S.-Canadian ties, was predictably opposed to the EDL program. He argued that use of the EDLs would infringe on Canadians' privacy, would not alleviate terrorism concerns, and would create additional privacy issues for Canadian citizens.

5. (SBU) COMMENT: Privacy concerns about the information in the EDLs are unlikely to derail the initiative. However, if Ontario is really unable to obtain Canadian federal government cooperation, Ontario's ability to work with Homeland Security to obtain approval for the EDLs to be used as border crossing cards could be delayed indefinitely. END COMMENT.

NAY